

CITY OF NORWALK

**THIRD TAXING DISTRICT**

**SPECIAL MEETING**

**MAY 5, 2003**

**ATTENDANCE:** David L. Brown, Chairman; Paul S. Coggin, Steve Feinstein,

**STAFF:** George Leary, General Manager; Ron Scofield

**OTHERS:** Attorney Larry Dennin, Jerry Kurdi, Diane CeCe, Charles  
Brew, Steve Orris, Jules Lang, Chris Hodgson

The Chairman opened the Special Meeting at 7:30 p.m.

**PUBLIC COMMENT**

Diane Cece, Olmstead Place, stated she had two questions on the budget that she hoped to have answered. First, what is the legal process for resubmitting the budget if there is a no vote on the budget? There has never been a no vote and she wished to know how it would be sent back to the public for another vote. The second question was

whether the legal process allowed for a line item veto during the budget approval public meeting. She gave an example. How is the budget voted upon with elimination of one or two items, but not the entire budget being rejected?

Mr. Brown responded that the District Counsel has been looking into the laws of the Municipality, State and Charter to get a correct answer on these items. There is no definite answer at this time.

Ms. Cece inquired why there is no on/off peak pricing especially during the summer months for electrical use. She also asked whether the district had ever considered the process.

Mr. O'Leary commented that those kinds of rates could be established. There is not much of an appetite for these rates. He said one gets a lower price in the nighttime hours and a higher price in the day. He said one would have to switch their high time usage to take advantage of the reduction, like running the dishwasher at night. When looking across the board, this district is one of the lower.

Ms. CeCe asked if there was a problem with supply during the summer months. Mr. Leary stated that the issue is transmission for this area. The bigger issue is price due to the power pool. As of March 1<sup>st</sup>, everyone pays the same penalty. Mr. Brown said the delivery point is in Maine, not the middle of the State. It is now locational pricing. You pay more determined by where you are located. The consortium buys futures in oil in order to hedge against pricing to keep the cost down.

Mr. Feinstein stated that there was a generator on Rowan Street last year to help save money and meet the demand for the summer months. The transmission restraints are being addressed now for the summer usage.

Finally she asked about the improvements for the Library. She said there were more questions than answers regarding the project. Mr. Coggin said there would be a meeting on May 15, 2003 on the improvement project. There will be the Commission, 51 Van Zant Steering Committee and the East Improvement Association to discuss the proposed improvements to the Library. The format is not complete, but the meeting will not necessarily be a public hearing.

Charles Brew asked if the meeting regarding the Library would be for public comment. Mr. Coggin stated that the April meeting was for public comment, but the May meeting is not scheduled for public input. Mr. Grew said he would strongly recommend that the May meeting be for public comment so that people can speak directly with the Steering Committee. His concern is openness with direct public access.

Mr. Brown stated his sense of the issue of community input was not clearly made. He suggested looking into it more deeply. The Steering Committee is to search out and look out for other ways to do the improvements. His personal view is that the public should be there and it is the public's money and the committees are making decisions for the public.

Mr. Orris the meeting between the three groups is to speak with the concerns that the District has, but it is not a public meeting. The Steering Committee will hold a public meeting after this group meeting. The May meeting is a dialog between the three groups. Mr. Brown said it is always a public meeting.

Mr. Coggin explained for Mr. Brew that this is a communication meeting between the three groups. It is public, but not a public hearing for public comment. It is possible that an early time would allow for the public to comment prior to the official meeting.

Both Mr. Coggin and Mr. Feinstein stated that they just heard that the meeting would be taking place on May 15<sup>th</sup>. Mr. Feinstein said he may not make the meeting and did not want to have it set any earlier.

Mr. Orris said that the meeting is needed in order to move forward. He was surprised that the members of the District did not know about the meeting. He asked that all the members read the minutes of the last meeting.

Mr. Brown asked how the corrections would be made for the minutes as he notes he was misquoted. Mr. Orris stated that they would be corrected at the next meeting.

Attorney Dennin said he was asked whether the meeting was subject to FOI. He understood that the Chairman was told he did not have to rule according to FOI. However, the Chairman did follow FOI rulings. Attorney Dennin said he thought the meeting would be postponed to clarify the issue.

Mr. Orris said he wanted to get the groups together to render a decision. He wants it to run with the rulings of FOI.

Mr. Lang suggested that the meeting be called for the convenience of all and the public can attend. The meeting should be called and comply with FOI.

Mr. Brown stated that the District Manager sends e-mails to notify the commissioners. The date chosen will be broadcast to other groups for compliance.

Mr. Lang said he may not be available and the meeting may need to move into June. Mr. Brown said a logical date would be chosen.

Attorney Dennin answered Ms. CeCe's questions presented earlier.

He stated if the vote was no at the annual meeting on the budget, he suspected that someone would have made a motion regarding the improvement line item, someone would have made a motion. In answer to the second question yes there could have been a line item rejection. There should have been a petition for a special meeting to reconsider the budget. The electors are the ones who have the authority about what funds are transferred.

Ms. CeCe recounted what transpired when the vote was taken at the meeting. She stated the discussion on the budget was closed by vote before she could say anything further. She asked if there is a way to notify attendees that the budget discussion is being closed.

Mr. Coggin stated that was done under Roberts Rule "Call the Question". Mr. Brown said the vote on the motion and second would require a 2/3 majority of the voting members to pass. If it had failed, then the discussion would start all over again. That was done and the meeting moved on.

Ms. CeCe asked whether there could be a line item on the agenda to allow for the extended discussion. Attorney Dennin stated that Ms. CeCe should have stood up immediately to amend the motion to provide a change to the line item. She asked if a warning could be given that the discussion was ending. Mr. Coggin suggested a format for her objection.

Mr. Brew expressed his concern about the vote count. There were two votes taken. He asked if all ballots were counted as to who was for or against the budget. He asked for a change in the way the voting is handled. The floor discussed the differences in the vote count of raised hands.

Mr. Coggin stated last year ballots were used, but this year they were not to avoid confusion. Mr. Brown expressed that using cards might be the best use in order to determine the number of votes clearly.

Mr. Feinstein inquired whether a referee could be hired to allow only one person to speak at a time in a public hearing of this type. Attorney Dennin stated once the ballots are collected there was no process for revisiting the issue of the budget. He suggested that multiple ballots be distributed.

Mr. Brown commented that it is a confusing situation. He stated until someone let's the Commission knows there is a problem, it cannot be addressed.

**APPROVAL OF MINUTES – MARCH 10, 2003, MARCH 21, 2003,**

**APRIL 14, 2003**

**\*\* MR. FEINSTEIN MOVED TO APPROVE THE MARCH 10, 2003 MINUTES AS SUBMITTED.**

Mr. Coggin asked about the minutes reflecting the corrections within the original minutes for reference. Mr. Brown said that the minutes will be marked draft and the final minutes will included any corrections made at the following meeting.

**\*\* MR. FEINSTEIN MOVED TO TABLE THE MINUTES OF MARCH 10,  
AND MARCH 21, 2003, AND APRIL 14, 2003.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The minutes will be reviewed at the May 19, 2003 meeting.

### **51 VAN ZANT STREET STEERING COMMITTEE**

Mr. Orris said he would be sending a request to the General Manager to attend the next Steering Committee meeting on May 20<sup>th</sup> and wished that the Commission to approve the notification. Mr. Brown agreed that this good to do so that Mr. Scofield was not responsible for notifying the General Manager of the Steering Committee meeting.

Mr. Orris stated he was at the meeting to clarify some issues. He said two committee members arrived and said they were appointed by Mr. Rooney. He asked that the Commission give its approval of these two appointments. He further stated that he needs two more people on the committee. He submitted the following names, Ms. CeCe and Mr. Lang. Mr. Dennis Santella has been chosen as co-chair. Kevin Fitzgerald has been appointed by the sole discretion of the East Norwalk Improvement Association. Mr. John Tobin needs to be ratified by the Commission.

**\*\* MR. BROWN MOVED TO SUSPEND THE RULES TO INCLUDE THREE**

**ITEMS: APPROVE MR. LEARY ATTENDING THE STEERING COMMITTEE MEETING; RATIFICATION OF JOHN TOBIN AS A MEMBER OF THE STEERING COMMITTEE SELECTED BY THE EAST NORWALK IMPROVEMENT ASSOCIATION AND THE APPROVAL OF DIANE CECE AND JULES LANG AS MEMBERS OF THE STEERING COMMITTEE WHO WOULD BE SELECTED AT THE DISCRETION OF THE THIRD TAXING COMMISSION ONLY.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MR. COGGIN MOVED THAT THE DISTRICT REQUEST MR.**

**LEARY ATTEND THE 51 VAN ZANT STREET STEERING COMMITTEE MEETING TO PRESENT ANY INFORMATION, FINANCIAL OR OTHERWISE, BEING REQUESTED BY DISTRICT BOARD OR CHAIRMAN.**

Mr. Feinstein inquired of Mr. Orris an explanation as to why the General Manager is being asked to attend the meeting. Mr. Orris responded his presence is requested in order to answer question of members about the general questions about the electrical department and specifically, financial questions. Mr. Feinstein responded that unlike the previous general manager, Mr. Leary, is not handling any finances. The accountant is being paid an additional \$24,000 to handle the financial activities. Mr. Orris stated he would invite the accountant if needed. He would direct his financial questions to the accounting person, but there would be other questions that need an answer from Mr. Leary.

**\*\* MR. COGGIN MOVED TO AMMEND THE MOTION TO ADD THAT MR. KIM SNOW, DEPARTMENT ACCOUNTANT ALSO BE REQUESTED TO ATTEND.**

**\*\* MR. BROWN SECONDED THE AMMENDMENT.**

**\*\* THE AMMENDED MOTION PASSED WITH MR. FEINSTEIN ABSTAINING.**



**\*\* MR. BROWN SECONDED.**

Mr. Coggin stated that he felt that Mr. Leary was capable of answering any financial questions.

**\*\* MOTION PASSED WITH ONE ABSTENTION (MR. FEINSTEIN).**

**\*\* MR. FEINSTEN MOVED RATIFICATION OF THE EAST NORWALK  
IMPROVEMENT ASSOCIATION'S APPOINTMENT OF MR. JOHN TOBIN  
REPLACING KEN MCMAHON TO THE 51 VAN ZANT STEERING COMMITTEE.**

**\*\* MR. COGGIN SECONDED.**

Mr. Brown pointed out the formation of the committee was to be a non-political group. He hopes that the people vote with their conscience, not on their political standing.

The question was raised whether the appointments were replacements. Mr. Brown said he believed none of the individuals are replacements to his knowledge. A list will be developed to show who is on the committee.

Mr. Coggin stated that Mr. Tobin is being ratified with the recommendation of Mr. Orris.

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MR. FEINSTEIN MOVED TO RATIFY MR. LANG AND MS. CECE TO  
THE 51 VAN ZANT STEERING COMMITTEE AT THE DESCRETION OF THE  
THIRD TAXING DISTRICT COMMISSION.**

**\*\* MR. COGGIN SECONDED.**

Mr. Feinstein thanked these two people for stepping forward to take on these appointments.

**\*\* MOTION PASSED UNANIMOUSLY.**

Mr. Coggin submitted the ratification to the clerk for the record.

### **GENERAL MANAGER'S REPORT**

Mr. Leary presented documentation for the new fencing around the perimeter of the Third Taxing District Electric Department's Sub-Station at 14 Rowan Street, East Norwalk, CT.

Mr. Brown expressed that after 9/11 the rules changed. There was a generator installed within the existing fence. A list of things were given to the District to make the fence meet standards.

Mr. Leary stated that the financials would be completed later during the week for anyone who wished to review them.

The emergency generator will take another few weeks to be installed and that is dependent on the weather.

The meter audit has not yet been started. NorthEast Utilities was to start in middle of April, then the middle of June. They were chosen because they are the best at this process. A new bidder will be chosen if he does not get a schedule from NEU.

Mr. Leary said that they have looking for ways to celebrate the utilities 90<sup>th</sup> anniversary. Banners have been suggested. The banners might be posted on East Avenue and Gregory Boulevard. Other items have been looked at as well.

The Radix meter reading system has been set up and meter readers have been trained. Once the process is in place, money will be saved.

The street lighting costs are being looked into in other districts to see how it is provided and paid for. He said that many streetlights will have to be changed. The newer lights will last longer than the mercury lights. Each pole has a tag identifying who is supplying the light and can be called if repair is needed.

There was a discussion about a bill that had been submitted for daytime lighting. The proposed bill will, in part, apply to this district. The part that would apply is allowing a special meeting of the electors and increasing the board from three to five. It is understood that this time of change would have to go through charter amendment. Attorney Dennin agreed that would be the only way the Third District makes the changes

if applicable.

Mr. Brown asked if it was known who voted for the change and who put the bill forward. Mr. Leary stated he did not have that information. He also felt that Third Taxing District should not be the only one answering the bill. Attorney Dennin discussed the legal impact with the Commissioners. Mr. Brown stated he would call other District Counsels to get their input.

Mr. Leary commented that the District is in transition within the accounting structure. The District has municipal utilities and is required to make not less than 5% but no more than 8%. By making 5%, the City would have enough finances to replenish plants and maintain service. The current income sheet reflect 6%, but half goes to the District showing only 2.6% which is below the 5%. He stated he needs more information to put the numbers together and he will investigate the numbers further.

Mr. Coggin asked where the District falls looking at the financial run. Mr. Leary said it looks like there is not enough net profit to bring in the revenue needed to maintain as required. Mr. Leary further noted that the profit gained is from interest. He moved on to describe what was in the reserves and what was remaining for operating expenses. He said that the Commission should keep an eye on the finances. Once the new system is up and running some projects and budget objectives can be made.

**\*\* MR. BROWN MOVED TO SUSPEND THE RULES FOR MR. KURDI  
TO SPEAK.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Mr. Kurdi asked why the line trucks are not capitalized but expensed. How are capital requests are justified, is an explanation given? What is the life of the trucks; what is the depreciation?

Mr. Brown replied that the trucks were assessed and found to be beyond 10 years. Mr. Kurdi asked if there is a plan in the future. Mr. Coggin stated that Mr. Leary has been on board only a few months, but budget planning is part of what is forthcoming.

Mr. Coggin stated that the trucks would not be a line expense, but a capitol expense.

Mr. Leary would copy the NAPA announcement for all the Commission members.

### **CMEEC FINANCIAL**

**\*\* MR. FEINSTEIN MOVED TO TABLE THE CMEEC FINANCIAL STATEMENT.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **PENSION PLAN UPDATE**

Mr. Leary stated a meeting was held with the Pension Plan actuaries. There are some proposals in place for the pension plan documents to be revised. The current Pension Committee is down to one individual and others need to be appointed including

someone from the outside. It is a responsible assignment.

**\*\* MR. BROWN MOVED TO SUSPEND THE RULES TO ADD APPROVAL  
OF A PENSION COMMITTEE.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MR. BROWN MOVED TO RECIND THE PRIOR APPOINTMENTS TO THE PENSION  
COMMITTEE AND APPOINT TO THE COMMITTEE GENERAL MANAGER LEARY, OFFICE  
MANAGER SCOFIELD AND LINE FOREMAN MITCHELL.**

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **TIM LYONS ATTENDANCE AT METER CONFERENCE JUNE 3-6**

Mr. Leary said the meter conference will be held in early June. He suggested Mr. Lyons be sent this year as part of his continuing education. Mr. Feinstein suggested sending both Mr. Lyons and Mr. Charriot this year. Mr. Leary said they could not both go at the same time. He would send Mr. Charriot next year.

**\*\* MR. BROWN MOVED TO APPROVED MR. LYONS ATTENDING THE  
METER CONFERENCE JUNE3-6, 2003 IN MEMPHIS, TN, AT THE DISTRICTS  
EXPENSE.**

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **GENERAL MANAGER CONTRACT**

**\*\* MR. BROWN MOVED TO TABLE THIS ITEM UNTIL MAY 19, 2003 MEETING.**

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **POLICY UPDATE**

Mr. Leary presented the policy in sections approved and policies that were in need of revision or unapproved. Through page 10 were the approved policies. He asked if the Commission would reconfirm approval of those policies. Starting on page 11 were revised or unapproved policies.

Mr. Coggin stated he would review the information and pencil in what he thought was approved or changes that are still needed. He stated that he would refer to the minutes reflecting the approved policies. This would avoid a whole new set of meetings on this issue. Mr. Brown suggested concerning the Commission with pages 11 through 15. Mr. Feinstein would go back over the first 10 pages and have the correct ratification dates applied.

Mr. Brown proceeded to discuss the changes to be made to the policies on pages 11

through 15.

**\*\* MR. COGGIN MOVED TO APPROVE THE MONTHLY NEWSLETTER POLICY AS DRAFTED MAY 5, 2003.**

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The Commission held a brief discussion on the bid process and how vendors would be chosen. Mr. Feinstein read the purchasing paragraph and indicated that he understood that the amount of \$500 or less can be approved by the general manager. He felt the Commission did not need to be involved. Mr. Brown recommended removing approval by the Commission. It was also suggested that day-to-day operating tools and office supplies could be handled by the general manager. In paragraph three, the word "may" should read "shall" be contacted as a requirement of the bid process.

Mr. Coggin questioned whether the threshold should be reduced from \$10,000 for the general manager without Commission approval.

**\*\* MR. BROWN MOVED TO SUSPEND THE RULES FOR A QUESTION BY MS. CECE AND MR. BREW.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Ms. Cece asked for an explanation of the preferred vendor. He referred to the landscaper who gives the best bid although he is bided against each year. She said it



seems that there is no room for new bids or a problem with the preferred vendor down the road.

Mr. Brown stated that preferred vendor is done to save time and has proven to be effective. Mr. Brew asked why a 60 out clause might not be added so that either party can end the contract.

**\*\* MR. BROWN MOVED TO TABLE THE PURCHASE POLICY.**

**\*\* SECONDED BY MR. FEINSTEIN.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MR. BROWN TABLED THE CHECKING ACCOUNT TO THE MAY 19, 2003 MEETING.**

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Mr. Brew inquired whether there is an individual who has the right to write off accounts. He asked if all of the delinquent accounts must come before the Commission. Mr. Brown said they do come before the Commission. Mr. Brown stated that small accounts (\$1300) could be handled by the general manager. Larger accounts must come before the Commission.

### **EXECUTIVE SESSION ADJOURNMENT**

**\*\* MR. FEINSTEIN MOVED INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.**

**\*\* MR. BROWN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The Chairman closed the general session and moved into executive session at 9:38 p.m.

The Chairman brought the meeting out of executive session at 10:51 p.m. and returned to the general session.

### **ADJOURNMENT**

**\*\* MR. FEINSTEIN MOVED TO ADJOURN.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The Chairman closed the meeting at 10:52 p.m.

Respectfully submitted,

Alvina L. Richardson Decker

Telesco Secretarial Services